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ELECTRONICALLY FILED
May 19, 2011

Counsel for Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

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In Re:
INTEGRATED FINANCIAL
ASSOCIATES, INC., a Nevada
Corporation
Debtor.

Case No. BK-11-13537-BAM
Chapter 11

EX PARTE MOTION TO
RECONSIDER ORDER APPROVING
APPOINTMENT OF ATTORNEY

(No Hearing Required)

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COMES NOW, Alan R. Smith, Esq., attorney for the Debtor, INTEGRATED FINANCIAL ASSOCIATES, INC., a Nevada corporation, and moves this Court to reconsider its decision to bar John J. Gezelin, Esq., from performing work for the Debtor in this matter. This Motion is based upon F.R.Bankr.P. 9024, the Points and Authorities attached hereto, the attached Declaration of John J. Gezelin, and all the papers and pleadings filed herein.

BACKGROUND

On April 26, 2011, a hearing was held before this Honorable Court to consider the INTEGRATED FINANCIAL ASSOCIATES, INC.'s Application to Employ Attorney for Debtor Nunc Pro Tunc. In the Application of the Law Offices of Alan R. Smith, it was disclosed that a contract attorney used by Debtor's counsel is John J. Gezelin, Esq. Mr.

Gezelin is the uncle of Paul Kinne, who is married to Kristine Kinne, the Bankruptcy Analyst for the U.S. Trustee's office in this matter. Counsel for the Debtor, Alan R. Smith, Esq., respectfully requests that this Court reconsider its ruling which bars Mr. Gezelin from working on this matter.

POINTS AND AUTHORITIES

Under F.R.Bankr.P. 9024, "Relief from an order can be granted for a clerical mistake or for mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, fraud, misrepresentation, misconduct, where the order is void or has been satisfied, released, or discharged or is no longer equitable, for any other reason justifying relief from the order." *See, Crofford v. Conesco Financial Service Corporation, (In re Crofford)* 277 B.R. 109, 113 (8th Cir. BAP 2002).

Here, the Debtor was surprised by this Court's decision to bar Mr. Gezelin from working on this matter and did not fully explain Mr. Gezelin's connection with Kristine Kinne. As the attached Declaration of John J. Gezelin indicates, he has limited contact with Ms. Kinne. There is a generational difference between Paul Kinne, Mr. Gezelin's nephew, and his wife Kristine Kinne. As Mr. Gezelin's Declaration further indicates, there is no regular contact or communication between Ms. Kinne and that the only in person contact with Ms. Kinne occurs at family holiday gatherings or at formal initial debtor interviews in which Mr. Gezelin and Ms. Kinne participate. As the Declaration of Mr. Gezelin further states that there has never been any discussion of any case with Ms. Kinne in an informal setting or outside of any initial debtor interview or a request by Ms. Kinne regarding any pending matter. The Debtor believes that these facts, may have impact upon the Court's decision.

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1 It is submitted to this Court that this additional evidence is sufficient to allow this
2 Court to reconsider its Motion barring Mr. Gezelin from working on this matter.

3 **DATED** this 19th day of May, 2011.

4 LAW OFFICES OF ALAN R. SMITH

5 By: /s/ Alan R. Smith
6 ALAN R. SMITH, ESQ.
7 Attorney for Debtor
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